

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NAM VAN PHAN,

Petitioner

v.

MICHAEL MUKASEY, *et al.*,

Respondents

CIVIL NO. 4:09-CV-0148

(Judge Jones)

MEMORANDUM

February 10, 2009

Petitioner Nam Van Phan, a detainee of the United States Immigration and Customs Enforcement (ICE) Office, filed the instant Petition for Writ of Habeas Corpus (Doc. 1) pursuant to 28 U.S.C. § 2241 while he was confined at the York County Prison in York, Pennsylvania. In the Petition, Phan challenged his continued detention by ICE and sought immediate release from custody.¹ (*See* Doc. 1 at 6.)

On February 9, 2009, this Court's Administrative Order directing Phan to pay the filing fee for this action or file an application to proceed *in forma pauperis* within thirty (30) days was returned in the mail as undeliverable. (*See* Doc. 4.) On the same date, the Court was informed by the York County Prison and that Phan was released

¹ Importantly, Phan challenges only his detention pending removal, not his removal itself. *See Nguijol v. Mukasey*, 2008 WL 5047764, at *1 & n.1 (M.D. Pa. Nov. 24, 2008).

pursuant to an Order of Supervision on January 26, 2009 and currently resides at 531 Elm Avenue, Upper Darby, PA 19082. Because Phan has obtained the relief he requests in his Petition, namely, an immediate release from ICE custody, his Petition will be dismissed as moot. *See Nguijol*, 2008 WL 5047764, at *1 & n.2. An appropriate order will enter.